

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No. 22249 OF 1994

Date: 18.11.2006

Between:

Smt. S. Vadavathi and 45 others.

... Petitioners.

And

Tirumala Tirupathi Devasthanams rep., by its Executive Officer, Tirupathi and two others.

... Respondents.

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No. 22249 OF 1994

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ORDER:

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Petitioners, 46 in number, seek a mandamus from this Court, to respondents 1 and 2, to reckon their service, as tutors/demonstrators prior to 01-04-1976, for extension of benefits under the Career Advancement Scheme in the University Grants Commission Revised Scales of Pay, 1986, as adopted by the respondents under G.O.Ms.No.520, dated 15-12-1988 and G.O.Ms.No.169, dated 07-07-1990, with all consequential and attendant benefits.

Facts, in brief, are that the petitioners, (when the writ petition was filed in 1994), were working as lecturers in the Sri Venkateswara Arts College, the Sri Padmavathi Women's College, and the Sri Govindaraja Swamy Arts College, Tirupathi under the administrative control of the Tirumala Tirupathi Devasthanams. They were all appointed as tutors/demonstrators prior to 01-04-1976. Petitioners would contend that, the first respondent has been extending them the benefit of pay scales on par with teachers in other government degree colleges and in accordance with the government orders, issued by the second respondent, from time to time. Petitioners would refer to the letter of the Government of India, dated 02-11-1974, whereby the State Government was informed of their decision to implement the scheme of revised pay scales of University and College Teachers in the Central Universities and other institutions, fully financed by the Central Government, with effect from 01-01-1973, and to have indicated their willingness to assist the State Governments, which wished to adopt the revised scales of pay for University and College teachers in the State, subject to the conditions contained therein.

The second respondent issued G.O.Ms.No.1376, dated 01-12-1975, extending the benefits, of the revised state dearness allowance and merger of pay scales, to college teachers with effect from 01-01-1974. Pursuant to a report, submitted by a three member committee, the state government accepted their recommendations, subject to certain modifications, and issued G.O.Ms.1072, dated 26-11-1976 directing that the Revised Pay Scales, 1976, shall be made applicable to teachers of affiliated degree and post-graduate colleges, whether government or private and whether aided or partly aided etc, subject to the conditions prescribed in column (6) of Annexure-I to the order. According to the petitioners these pay scales were made applicable to them, and to other teachers, working in colleges administered by the first respondent. Petitioners would contend that, in accordance with the provisions contained in G.O.Ms. No. 1072, dated 26-11-1976, all the petitioners were treated as lecturers with effect from 01-

04-1976 and were given the benefit of pay scales as applicable to lecturers. Petitioners would submit that, while applying the Revised Pay Scales of 1976, the second respondent had ordered that fixation of pay must be under the normal rules, and where the existing pay did not correspond to a stage in the Revised Pay Scales of 1976, it would be fixed in the next higher stage in the 1976 revised scales of pay. Reference is made to G.O.Ms.No.565, dated 29-06-1982, whereunder it was decided to extend the benefit of service weightage to lecturers in degree colleges drawing pay in 1976 scales as on 01-04-1978. Petitioners would refer to paragraph 7 of the said order, whereunder the service rendered by tutors/demonstrators/assistant lecturers/junior lecturers in degree colleges, on or after 01-01-1973, was required to be taken into account in the ratio of two years of service, as tutors/ demonstrators/assistant lecturers/junior lecturers, in degree colleges as equivalent to one year service as lecturer and on this basis, the total service as a lecturer was to be arrived at for the purpose of grant of weightage increments. Petitioners would submit that the orders, issued in G.O.Ms.No.565, dated 29-06-1982, were amended in G.O.Ms.No.748, dated 30-08-1982 and the benefits therein were extended to the petitioners by the first respondent taking their service as tutors/demonstrators into account and on that basis their pay, in the post of lecturers, was fixed. Petitioners would submit that the University Grants Commission scales of pay were again revised in the year 1986 and these revised pay scales were extended, vide G.O.Ms. No. 520 dated 15.12.1988, to all teachers in universities and affiliated degree and post-graduate colleges, government or private aided colleges, and that the said scales of pay came into effect from 01-01-1986. Reference is made to paragraph 9(b) relating to the Career Advancement Scheme and to the criteria laid down thereunder, and to paragraph 10 which relates to grant of senior scales of pay. Petitioners would submit that, under G.O.Ms.No.169, dated 07-07-1990, the government had issued orders for implementation of the Career Advancement Scheme and that the benefits under the said G.O. were given, by the first respondent, to all the lecturers working in the colleges under its administrative control. Petitioners, though given the benefit of revised pay scales of lecturers (senior scale) of Rs.3000-100-3500-125-5000, were not given the scale of pay of lecturers selection grade of Rs.3700-5700, inasmuch as the weightage of service rendered as tutors/administrators, prior to 01-04-1976, was not reckoned as was done in the case of assistant lecturers. According to the petitioners, they were given the

benefit of selection grade pay scales only on completion of 16 years service after 01-04-1976 and, if the service rendered by them as tutors/demonstrators prior to 01-04-1976 was also reckoned and due weightage given thereto, they would be entitled to the selection grade scales of pay from 01-01-1986. Petitioners would contend that, while prior to 01-04-1976, there were three categories viz., (i) tutors/demonstrators; (ii) lecturers and (iii) professors and heads of departments, after 01-04-1976, there were only two categories of teaching staff i.e. lecturers and principals and the earlier posts of tutors, demonstrators and junior lecturers ceased to exist. Petitioners would submit that, while fixing the 1976 revised pay scales due weightage was given to the service rendered by them earlier as tutors, demonstrators, junior lecturers and assistant lecturers and all of them were treated as one group, that the said benefit was not extended to them while implementing the revised University Grants Commission 1986 Scales of Pay under G.O.Ms.No.520, dated 15-12-1988 and G.O.Ms.No.169, dated 07-07-1990, and that failure to do so was unjust and arbitrary. Petitioners would submit that under G.O.Ms.No.169, dated 07-07-1990, while computing the prescribed period of 8/16 years of service, while the earlier service rendered as assistant lecturers in government degree colleges, prior to 01-04-1976, was reckoned for grant of senior or selection grade scales of pay of lecturers, the said benefit was not extended to the erstwhile tutors and demonstrators. Petitioners would submit that, while tutors, demonstrators and assistant lecturers were treated as one group i.e., lecturers from 01-04-1976 onwards, when it came to extension of the benefit of weightage of service rendered prior to 01-04-1976, the respondents had discriminated against the petitioners and had treated the erstwhile tutors and demonstrators different from the assistant lecturers. Petitioners would contend that the representation made by their Association on 30-03-1994, and their cause espoused by the Federation of the A.P. College Teachers Association, was futile and that the government had not considered their request favourably. According to the petitioners, the Government of Tamil Nadu had issued orders in G.O.Ms.No.825, dated 01-09-1993 reckoning the past service in the post of tutors and demonstrators for extension of the benefits of the Career Advancement Scheme even in the absence of guidelines in this regard being prescribed by the University Grants Commission. Petitioners would submit that there was no valid and justifiable reason for the second respondent not to extend to them similar benefits as was extended to the erstwhile assistant lecturers.

The first respondent, in its counter affidavit, would submit that the rules and instructions issued by the government, from time to time, are applicable only when they are adopted by the TTD Trust Board with the prior sanction of the Government and that, pursuant to G.O.Ms.No.1072, dated 26-11-1976, eligible tutors, demonstrators and assistant lecturers were designated as lecturers. Reference is made to G.O.Ms. No.565, dated 29-06-1982, as amended by G.O.Ms. No. 748, dated 30-08-1982, to submit that weightage increments were given, to all those teaching staff who were absorbed as lecturers, taking into account their previous service in the category of tutors/demonstrators in the ratio of 2:1. It is stated that the lecturers, who had completed 8 or 16 years of service and satisfied the conditions laid down in G.O.Ms.No.520 dated 15-12-1988, and G.O.Ms.No.169, dated 07-07-1990, were placed in the higher scale of pay of Rs.3000-5000 and Rs.3700-5700 respectively, that the first respondent had given effect to the Career Advancement Scheme, in letter and spirit, and that the question of extension of the benefits under the Career Advancement Scheme, taking into account the service rendered by the petitioners as tutors and demonstrators does not arise. It is stated that the service rendered by the petitioners, after 01-03-1973 and prior to 01-04-1976, was considered for the purpose of sanctioning revised pay scales and not for other benefits. Reference is made to Civil Appeal No. 5492 of 1993, in **B. Rama Rao v. Govt. of A.P.** ^[1] to contend that a similar request was negatived by the Supreme Court.

In its additional counter affidavit, dated 25-08-2005, the first respondent would state that the petitioners have been granted all such benefits, as per the rules, counting the service put in by them in the cadres of tutors and demonstrators. The first respondent would submit that the claim of the petitioners, in the present writ petition, cannot be accepted as the rules in force disentitled them from being granted the said benefit of counting their service in the cadre of tutors and demonstrators for the purpose of computing 8 or 16 years of service in the cadre of lecturers. It is stated that G.O.Ms.No.169, dated 07-07-1990, specifically allows such service to be counted only in government colleges and, since the petitioners are working in private unaided colleges, the said G.O. is not applicable to them. It is further stated that there were no posts of assistant lecturers in any of the colleges of the first respondent, including during the period prior to 01-04-1976, and on this count also, the said G.O. was not applicable. It is contended that both the career advancement scheme and the automatic

advancement scheme had been specifically implemented to avoid stagnation in a single cadre and are applicable to those who had put in the requisite number of years of service in the cadre of lecturers and, since the petitioners were all working as tutors and demonstrators in the colleges of the first respondent prior to 1976 and had all been merged thereafter into the single cadre of lecturers, which is in a higher cadre, the purpose of the scheme to avoid stagnation had been achieved and it is only after these employees have put in 8 or 16 years service in the cadre of lecturers would they be entitled to the said benefit.

The Joint Director of Collegiate Education has filed a counter affidavit, on behalf of respondents 2 and 3, wherein it is stated that the tutors and demonstrators, who were earlier in the pay scales of Rs.430-800 in the DA merged scales, but had not passed post-graduation in first and second class with 50% or more marks, were placed in the 1976 revised pay scales of Rs.500-900 and those tutors/demonstrators/ junior lecturers/assistant lecturers, who possessed M.Phil/M.Litt/Ph.D qualification were placed in the higher pay scales of Rs.700-1600. It is stated that the tutors/demonstrators, who had passed post graduation in first and second class and had secured 50% or above marks, on completion of 10 years of service, were re-designated as lecturers as per column VI at Sl.No.5 of Annexure-I to G.O.Ms.No.1072, dated 26-11-1976, and that the revised pay scales came into force only from 01-04-1976 as the State DA merged pay scales were already made applicable to these teachers as per G.O.Ms.No.1376 dated

01-12-1975. It is stated that the career advancement scheme was introduced by the state government in G.O.Ms.No.520, dated 15-12-1988, on the basis of the guidelines issued by the University Grants Commission and that the 1986 pay scales were extended to the university and affiliated colleges. Respondents would submit that the career advancement scheme was made applicable to lecturers and readers as per Rule 9B(1) of the appendix to the said G.O., and since the petitioners were only tutors and demonstrators prior to 01-04-1976 and as G.O.Ms. No. 1072 dated 26-11-1976 came into force only with effect from

01-04-1976, the question of giving them weightage increments, taking into account the service rendered by them prior thereto, did not arise. Reference is made to the University Grants Commission circular dated 27-11-1990 wherein, while reiterating its earlier decision in its letter dated 29-01-1990, it was stated that the matter had been reconsidered and it was resolved that revised guidelines, for

counting previous service for the purpose of senior scale/ selection grade scale under the Career Advancement Scheme for lecturers, be issued as under:-

1. The post is in equivalent grade or scale of pay to that of the post of lecturer.
2. The qualifications for the post is not lower than the qualifications prescribed by the UGC for the post of lecturer.
3. The lecturers concerned possessed the minimum qualifications prescribed by the UGC for appointment as lecturers etc.

It is stated that, in view of the above circular of the University Grants Commission, counting of previous service for extension of senior scale or selection grade scale, under the career advancement scheme, could be made only if the incumbent possessed the requisite qualifications, and that the affidavit, filed in support of the writ petition, is silent on aspects as to how the petitioners were appointed, whether the appointment was *ad hoc*, in a leave vacancy or was regular or whether their pay scales prior to 01-04-1976 was that of a lecturer or equivalent to that grade. It is stated that the petitioners have neither given details of their qualifications nor have they stated that they possessed the minimum qualifications prescribed by the University Grants Commission for appointment as a lecturer prior to 01-04-1976. It is stated that, as the posts of assistant lecturers carried an equivalent scale of pay as that of lecturers, the University Grants Commission had specifically given the benefit only to those persons who possessed the requisite qualifications, that the state government could not extend this benefit, to tutors and demonstrators, contrary to the guidelines of the University Grants Commission and, if any of the petitioners fit within the stipulation as mentioned in the U.G.C. circular dated 27-11-1990, they would be entitled to get their service, rendered prior to 01-04-1976, counted for the purpose of the career advancement scheme. Respondents deny the allegation that not extending the benefit of weightage of service prior to 01-04-1976, to those lecturers who were earlier tutors or demonstrators, would amount to hostile discrimination. It is stated that, even as per G.O.Ms. No. 565, dated 29-06-1982, read with G.O.Ms. No. 748, dated 30-08-1982, previous service was counted, for the purpose of giving benefit of weightage, only from 01-01-1973 and that this service was considered only for the purpose of sanctioning weightage increments with a view to fix up the pay in the revised pay scales of 1976 and not for other purposes. It is stated that the service rendered by the petitioners, as tutors/

demonstrators/junior lecturers, prior to 01-04-1976, could not be considered for the purpose of computation of benefits under the career advancement scheme and that the service rendered, during the period 01-01-1973 to 31-03-1976, by the assistant lecturers was taken into consideration for sanction of weightage increments on par with lecturers only in accordance with the guidelines of the University Grants Commission. According to the respondents, the request of the Federation for reckoning the service of the erstwhile tutors/demonstrators/junior lecturers for benefits under the career advancement scheme could not be considered favourably in view of the absence of any specific provision in the University Grants Commission's guidelines in this regard. Respondents would contend that the petitioners could not compare themselves with tutors and demonstrators in the State of Tamil Nadu and that the State of Andhra Pradesh is not bound by the guidelines issued by the Govt. of Tamil Nadu. Reference is made to Act 9 of 2000 and to Ordinances 3 of 2005 to submit that the period of unaided service would not be counted for any purpose including the career advancement scheme. Reference is also made to the observations of this Court, in W.P. No. 8697 of 2005 dated 07-11-2005, holding that the government had no obligation to render financial assistance to private institutions where education was imparted to students above the age of 14 years.

Sri G. Ramachandra Rao, learned counsel for the petitioners, would submit that since tutors, demonstrators and assistant lecturers were all merged into the cadre of lecturers with effect from 01-04-1976, under G.O.Ms.No.1072 dated 26-11-1976, and were given the benefit of revised pay scales, the respondents were not entitled to discriminate, between assistant lecturers on the one hand and tutors and demonstrators on the other, while giving them the benefit of weightage of service, rendered prior to 01-04-1976, for computation of benefits under the career advancement scheme. Learned counsel would submit that tutors, demonstrators and assistant lecturers form one single class and the respondents, having chosen to treat them as one class, were not entitled to differentiate between them while extending to them the benefits under the career advancement scheme. Learned counsel would submit that such differentiation amounts to hostile discrimination which is in violation of Articles 14 and 16 of the Constitution of India. According to the Learned counsel, since G.O.Ms.No.169, dated 07-07-1990 extended the benefits of the career advancement scheme to those who were earlier working as assistant lecturers and were treated as lecturers with effect

from 01-04-1976, the petitioners who were similarly situated were entitled to have their service, as tutors or demonstrators, rendered prior to 01-04-1976, also to be reckoned for the purpose of computation of the 8 years or 16 years service required for grant of the senior scales and the selection grade scales under the career advancement scheme. Learned counsel would submit that the government orders, issued from time to time, are binding on the first respondent-TTD and the mere fact that the colleges of the first respondent did not have the cadre of assistant lecturer would not disentitle the petitioners from claiming benefits under G.O.Ms.No.169 dated 07-07-1990 inasmuch as the said G.O. is applicable to the colleges of the TTD also.

Learned Government Pleader for Higher Education, on the other hand, would submit that the benefits of the career advancement scheme, as extended by the government to its colleges and to private aided colleges, was strictly in accordance with the University Grants Commission guidelines. She would submit that, since the University Grants Commission's guidelines did not specifically provide for giving weightage of the service rendered by tutors/demonstrators, prior to

01-04-1976, for computation of the minimum service required of 8 years or 16 years service under the career advancement scheme, the state government had restricted the said benefit only to assistant lectures. Learned Government Pleader would submit that the plea of discrimination is without basis since, both prior to 01-04-1976 and thereafter, the erstwhile tutors and demonstrators have never been treated on par with assistant lectures. Learned Government Pleader would submit that, even while merging tutors, demonstrators and assistant lectures into the cadre of lecturers, the assistant lectures were placed in a higher scale of pay than tutors and demonstrators. She would submit that, even prior to 01-04-1976, the scales of pay applicable to tutors and demonstrators were lower than that of assistant lecturers. She would also refer to the categories specified in G.O.Ms.No.1376, dated 01-12-1975 to submit that, while assistant lectures were placed in category nine, tutors and demonstrators were placed in category eleven. She would refer to G.O.Ms.No.1072, dated 26-11-1976, to submit that even in Annexure-I to the said G.O., assistant lecturers working in degree colleges fell under Category II, whereas tutors and demonstrators fell under Category V. She would refer to G.O.Ms.No.719 dated 03-07-1978 in support of her submission that, while granting the benefits of the A.P. Revised Pay Scales, the

minimum required service for assistant lectures was reduced from five years to three years, whereas for tutors and demonstrators it was reduced to five years from 10 years. Learned Government Pleader would submit that, even in other government orders, this distinction has always been maintained and, despite merging all these posts into the cadre of lecturers, tutors and demonstrators have never been treated on par with assistant lecturers. According to the learned Govt. Pleader, since the erstwhile assistant lecturers, tutors and demonstrators do not constitute one single class, and fall under separate and distinct categories, the question of discrimination or violation of Articles 14 and 16 of the Constitution of India does not arise.

Learned Government Pleader would place reliance on the University Grants Commission's letter dated 27.09.1990 wherein reference is made to its earlier letter dated 29.01.1990 containing the decision of the Commission regarding counting the experience of a person, before appointment as a lecturer in the university/college, as qualifying service for placement in the senior scale/selection grade scale. The Commission, in consultation with the Ministry of Human Resources Development, reconsidered the matter in its meeting held on 11.10.1990 and resolved to revise the guidelines for counting of previous service for purposes of senior scale/selection grade scale under the career advancement scheme for lecturers. The revised guidelines provided that the previous service, rendered without any break as a lecturer or equivalent in a university/college, should be counted for placement of lecturers in senior scale/selection grade scale subject to the restrictions provided thereunder. Learned Government Pleader would submit that the State Government is bound by the U.G.C. guidelines and, in the absence of any particulars being furnished by the petitioners in the affidavit filed in support of the writ petition that the conditions stipulated in the guidelines were fulfilled, the question of counting their service prior to 01.04.1976, for the purpose of granting them the benefit of senior scale/selection grade scale, does not arise.

Learned Government Pleader would also place reliance on the provisions of the A.P. Private Aided Collegiate and Technical Education Employees (Regulation of Pay) Act, 2006, (Act 26 of 2006), more particular to Section 4 thereof, to contend that the claims made by the petitioners herein cannot be entertained by the government.

Sri S. Srinivas, learned Standing Counsel of the first respondent, would

fairly submit that in accordance with the rules, notified in G.O.Ms.No.1060 dated 24-10-1989, the executive instructions and other government orders issued, from time to time, by the government in respect of its employees, in so far as they are not inconsistent with the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987, and the Rules made thereunder, are applicable to employees of the T.T.D. also. Learned Counsel would submit that, under the proviso to Rule 9(1), in case of teaching staff of educational institutions affiliated to any university or government, the rules of the government or university, in respect of qualifications, method of recruitment, pay, allowances etc, shall apply. Learned Standing counsel, while fairly stating that the government orders, in respect of teaching staff, would apply to TTD institutions also, would adopt the submissions of the learned Government Pleader and reiterate that, since assistant lectures, tutors and demonstrators do not constitute one class and, as they have always been treated as distinct categories despite their being brought under the cadre of lecturers, the plea of hostile discrimination was unfounded and the respondents herein cannot be said to have violated the fundamental rights of the petitioners under Articles 14 and 16 of the Constitution of India. Learned standing counsel would submit that, in so far as the colleges administered by the first respondent-TTD are concerned, it never had the post of assistant lecturers in its colleges, that it is not even the case of the petitioners that tutors and demonstrators in government degree colleges have been given the benefit of weightage of the service rendered prior to 01-04-1976 for extension of benefits under the career advancement scheme and, inasmuch as the said benefit has not been extended even to employees similarly situated in government degree colleges, the petitioners were not entitled to complain of hostile discrimination. Learned standing counsel would place reliance on the judgment of the Apex Court in **B. Rama Rao**¹ in this regard.

Before examining the rival contentions, it is useful to refer to the relevant government orders and the applicable statutory provisions.

G.O.Ms. No. 1376 Education Department dated 01.12.1975 relates to revision of pay scales of teachers working in government and aided colleges drawing U.G.C. scales of pay. The revised D.A. merged scales of pay, called the revised pay scales of 1974 in respect of each categories of posts are set out in the said order against each of the corresponding existing pay scales specified thereunder. At serial No. 9 are asst. lecturers, lecturers (junior) in degree

colleges other than oriental colleges, physical directors and librarians and at serial No. 11 are tutors/demonstrators.

Sl. No.	Category of Post	Existing Pay Scale (excluding Section Grade)	Revised Pay Scale	
		Rs.	Rs.	
9.	Asst. Lecturers, Lecturers in Degree colleges other than Oriental Colleges, Physical Directors and Librarians	300-25-600	530-30-770-35-1050	(Junior)
10.	Tutors/Demonstrators, Asst. Physical Directors	250-15-400	430-20-650-25-800	

The 1974 revised pay scales came into force from 01.01.1974.

The state government, issued G.O.Ms. No. 1072 dated 26.11.1976, whereu the 1976 revised pay scales, as shown in Annexure-I to the order, were n applicable to teachers of affiliated degree and post-graduate colleges, wh government or private, and whether aided, or partly aided, aided on an adhoc bas un-aided. The 1976 revised pay scales, specified in column (5) of Annexure-I college teachers, were subject to the conditions prescribed in column (6) of Annex I. Under clause 5(i), different categories existing among teachers in affiliated de and post-graduate colleges, like Readers, Heads of Departments/Senior Lectu Lecturers (Senior Scale), Lecturers (Junior Scale), Assistant Lecturers and Jt Lecturers working in degree colleges were merged into one and it was provided there would be only one category ie., Lecturers in the revised pay scales of Rs. 1600. The revised scales were made applicable to each category subject to conditions specified in Col. 6 of Annexure-I to the order. Clause 5(ii), of G.O.Ms. 1072 dated 26.11.1976, relates to tutors and demonstrators and it is prov thereunder, that there shall be no future recruitment of tutors and demonstrator affiliated colleges (government or private) and that the applicability of the revised s of Rs.500-20-700-25-900 for demonstrators/tutors, or the revised pay scale of lectu to the existing tutors/demonstrators shall be subject to the conditions specified in C of Annexure-I, to the order. Annexure-I to G.O.Ms. No. 1072 dated 26.11.1976, is statement showing the revised pay scales of 1976, as accepted by the : government for implementation in affiliated degree and post-graduate colle Category 2 thereunder relates to heads of departments and senior lecturers and

conditions in Col. 6 read as under:

Sl. No.	Category merged of 1974	Pre-D.A. pay scale 1976	D.A. merged pay scale 1976	Revised Pay Scale of in Column (5)	Conditions stipulated for eligibility for the scales	Pay
(1)	(2)	(3)	(4)	(5)	(6)	
2.	Heads of the Depts/ Senior Lecturers	400-30-640-40-800	700-30-1000-40-1200	700-401100-50-1200 Assessment	a) Existing Lecturers (Gazetted)/ Senior Lecturers Heads of Department who are now in the 50-1500 D.A. merged scale of Rs. 1200 will come on to this Revised Pay Scale 1976. Only Those with M.Phil/M.Litt. be eligible to cross the assessment stage at Rs.1200/-. Those without M.Phil/M.Litt. will stop at Rs.1200/- of after 5 years from 1.6.1976 whichever is earlier. Further increments upto Rs.1200/- will be allowed only after they acquire M.Phil/M.Litt. Degree.	
					b) Lecturers (Junior Scale) i.e., Assistant Lecturers with a Second Class Post-graduate Degree (securing not less than 50% of the aggregate) and with a total service of 5 years (whether continuous or not) will become Lecturers in the Revised Pay Scale. They should acquire M.Phil/M.Litt. qualification within 5 years 1.8.1976, failing which they cannot earn increments or they will stop at the Assessment stage at Rs.1200/- whichever is earlier. Further increments upto Rs.1200/- in the Revised Pay Scale 1976 will be allowed only after they acquire the M.Phil/M.Litt. Degree.	
					c) Lecturers (Junior Scale) i.e., Assistant Lecturers with a total whether continuous or not service of less than 5 years will continue in State D.A. merged scale of Rs.530-1050 till they complete a total service of 5 years and immediately thereafter come only to the Revised Pay Scale of 1976. They should acquire M.Phil/M.Litt. qualification within 5 years from the date of entry into the Revised Pay Scale, 1976, or 1.6.1976 whichever is later failing which they cannot earn increments or they will stop at the Assessment stage of Rs.1200/- whichever is earlier further increments upto Rs.1200/- in the Revised Pay Scale of 1976 will be allowed only after they acquire the M.Phil/M.Litt. Degree.	
					d) For reckoning the service of 5 years referred to in (b) and (c)	

above only the period actually spent on duty and Earn leave if any shall be included. The period spent on study leave medical leave commuted leave half pay leave extra ordinary leave without allowances etc. Shall be excluded in reckoning the 5 yeas period.

e). Future recruits to lecturership through the Central Recruiting Agency (i.e., the College ommission) will draw the Revised Pay Scales 1976. If they do not hold a M.Phil./M.Litt. Degree they willbe place in the D.A. merged pay scale of Rs.530-1050.

f) A Lecturer in a college even though he may be having a M.Phil./M.Litt/Ph.D. Degree will be allowed to draw the increment after the stage of Rs.1200/- only after his work has been assessed and found satisfactory in a manner to be prescribed by the University to which the College is affiliated and approved by the State Government.

Column 6(b) &

(c) of Category 2 relate to lecturers (junior scale) i.e., assistant lecturers. Category 4, which relates to junior lecturers working in degree colleges and Category 5 which relates to tutors/demonstrators read as under:

Sl. No.	Category	Pre-D.A. merged of 1974	D.A. merged pay scale 1976	D.A. merged Scale of in Column (5)	Revised Pay eligibility for the scales	Conditions stipulated for	Pay
4.	Junior Lecturer working in Degree Colleges	200-15-320-20-500 with initial start at 260/-	430-20-650-250-800		a) Junior Lecturers in Degree College till they complete a total whether continuous or not of 5 years service will draw the state D.A. merged Scale of Rs.530-1050. After	They complete the total whether continuous or not service of 5 years they will come on to the Revised Pay Scale 1976 of Rs.700-1600. They should acquire the M.Phil./M.Litt degree within 5 years they will come on to the Revised Pay Scale 1976 OR 1.6.1976 whichever is later failing which they cannot earn any future increments or they will stop at the assessment stage at Rs.1200/-, whichever is earlier. Further increments upto Rs.1200/- in the	

				Revised Pay Scale 1976 will be allowed only after they acquire the M.Phil./M.Litt
			Degree.	
				b). For reckoning the service of 5 years reference to in (a above only they period actually spent on duty and Earned leave if any shall be included. The period spent on Study leave, Medicalleave commuted leave, half pay leave extra ordinary leave without allowances etc., shall be excluded in reckoning the
			5 years period.	
				c) A lecturer even though he may be having a M.Phil/M.Litt. Ph.D. degree will be allowed to draw the increment after the stage of Rs.1200/- only after his work has been assessed and found satisfactory in a manner to be prescribed by the University to which the College is affiliated and approved by the State
			Government.	
				d) In Government Degree College with the Intermediate Course the posts of Junior Lecturers will be converted into Lecturers in the Revised Pay Scale, 1976. Taking into consideration the subject and the overall inter-so-seniority of Junior Lecturers in that subject the senior most Junior Lecturers will be promoted in conformity with the Presidential order, to these posts of Lecturers under the Revised Pay Scale 1976 after their work and performance are assessed by the Department Promotion Committee and if they are found fit and
			suitable.	
5.	Tutors/ Demonstrators	250-15-400	430-20- 650- 25-800	500-20-700- 25-900 (existing incumbents)
				l). a). The existing Tutors and Demonstrators with I or II Class postgraduate Degree and who have
				secured marks amounting to 50% and above, on completion of a total of 10 years whether continuous or not of service in that category will be absorbed as Lecturers in the Revised Pay Scale of Rs.700-1600. They should acquire M.Phil./M.Litt qualification within 5 years from the date of

	entry into the Revised Pay Scales 1976 or 1.6.1976 whichever is later failing which they cannot earn increments or will stop at the Assessment stage at Rs.1200/- whichever is earlier. Further increments upto Rs.1200/- in the Revised Pay Scales 1976 will be allowed only after they acquire the M.Phil./M.Litt.
Degree.	b). Even though they may be having a M.Phil./M.Litt/Ph.D. degree they will be allowed to draw the increment after the stage of Rs.1200/- only after their work has been assessed and found satisfactory in a manner to be prescribed by the University to which the College is affiliated and approved by the
State Government.	c). For reckoning the total of 10 years of service as Demonstrators/ Tutors or 5 years as Junior Lecturers or Assistant Lecturers, one year of service as Demonstrator, Tutor will be treated as being equivalent to half year of service as Junior lecturer or Asst.
Lecturer.	ii). The existing Tutors Demonstrators, who either do not have a I or II Class Postgraduate Degree with 50% or more marks or have not put in a total of 10 years of service and for whom the D.A. merged pay scale of Rs. 430-800 has already been granted shall be brought to the Revised Pay S ale, 1976, of
Rs.500-20-700-25-900.	iii). For reckoning the service of 10 years referred to in (i) and (ii) above only the period actually spent on duty and earned leave if any, shall be included. The period spent on Study leave, Medical Leave, Commuted Leave, half-pay leave, extra-ordinary leave

without allowances
etc., shall be excluded
in reckoning 10 years
period.

In G.O.Ms. No. 719 dated 03.07.1978, the government decided to reconsider the conditions imposed for eligibility of the 1976 Revised Pay Scales and issued modifications to G.O.Ms. No. 1072 dated 26.11.1976. Clause (vi) thereunder relates to assistant lecturers, tutors and demonstrators and reads thus:-

“The conditions of 5 years of service prescribed earlier for the applicability of the Revised Pay Scale of Rs.700-1600 to the lecturers (Jr. Scale) i.e., Assistant lecturers working in Affiliated Colleges is now reduced to 3 years.

In the case of Tutors and Demonstrators the prescribed period for eligibility to the Revised Pay Scales is now reduced from 10 years as prescribed earlier to 5 years.”

The facility of weightage in pay scales, to principals, lecturers, junior lecturers and tutors and demonstrators in degree colleges drawing UGC scale as on 01.04.1978, was extended vide G.O.Ms. No. 565 dated 29.06.1982, subject to the conditions specified in the G.O. The said orders were also to apply to tutors and demonstrators in degree colleges drawing pay in the 1976 revised pay scales of Rs. 500-20-700-25-900. Clause 7 provided that in the case of tutors and demonstrators, junior lecturers and assistant lecturers who had been absorbed as lecturers, after putting in the prescribed period of service as tutors/demonstrators/junior lecturers/assistant lecturers, and were drawing the 1976 revised pay scales as on 01.04.1978, their services on or after 01.01.1973, as tutors/demonstrators/assistant lecturers/junior lecturers in degree colleges, were also to be taken into account in the ratio of two years of service as tutors/demonstrators/assistant lecturers/ junior lecturers in degree colleges as equivalent to one year of service as lecturer and on this basis the total service as lecturer was to be arrived at for the purpose of grant of weightage increments. Under Clause 9, while the weightage increment was given notionally with effect from 01.04.1978, the monetary benefits were extended only from 01.02.1982.

G.O.Ms. No. 565 dated 29.06.1982 was amended by G.O.Ms. No. 748 dated 30.08.1982 and paras 4 and 7 of the said G.O. were substituted. The new para 4, in G.O.Ms. No. 748 dated 30.08.1982, provided that, in order to compute the total length of service as lecturer for the purpose of weightage, the service put in from 01.01.1973 onwards as head of the department/senior lecturer/lecturer/assistant lecturer shall be taken into account. The substituted para 7 provided that in the case of tutors/ demonstrators and junior lecturers, who

had been absorbed as lecturers after putting in the prescribed period of service as tutors/demonstrators/junior lecturers, and were drawing pay in the 1976 revised pay scales as on 01.04.1978, the service put in by them from 01.01.1973 as tutors/demonstrators/junior lecturers in degree colleges was also to be taken into account in the ratio of two years of service as tutors/demonstrators/junior lecturers in degree colleges as equivalent to one year of service as lecturer and on this basis the total service as lecturer was to be arrived at.

After careful consideration of the revised U.G.C. scales, and the suggestions of the Government of India, the State Government decided to extend the revised U.G.C. scales of pay, to teachers in universities and colleges in the State. These revised scales called the A.P. Revised U.G.C. Scales of pay 1986, were notified in G.O.Ms. No. 520 dated 15.12.1988. These pay scales came into effect from 01.01.1986. These revised pay scales were applicable subject to fulfillment of the criteria laid down in the conditions of service appended to the order regarding recruitment, qualifications, career advancement etc. Clause 9(B), of the Appendix to the G.O, relates to career advancement. Sub-clause (1) thereof relates to lecturers/readers and thereunder every lecturer shall be entitled to be placed in the senior scale of Rs.3000-5000 if he had completed eight years of service after regular appointment with relaxation as provided in paragraph 4. Additional guidelines were framed, for implementation of the career advancement scheme as notified earlier in G.O.Ms. No. 520 dated 15.12.1988. These additional guidelines, notified in G.O.Ms. No. 169 dated 07.07.1990, were in continuation of the orders issued in paragraphs 9 to 21 of the Appendix to G.O.Ms. No. 520 dated 15.12.1988. A copy of the guidelines issued by the U.G.C, in its letter dated 29.01.1990, was forwarded and the government, thereafter, decided to accept and implement the scheme for lecturers in government and aided colleges subject to the additional guidelines prescribed in G.O.Ms. No. 169 dated 07.07.1990. Clause 3 of G.O.Ms. No. 169 provides that, for the purpose of computing the prescribed period of 8/16 years of service, the service rendered as an assistant lecturer, in any government degree college before 01.04.1976, should also be reckoned for granting the senior grade scale of Rs.3000-5000 or the selection grade scale of Rs.3700-5700 for lecturers subject to compliance with the other terms and conditions prescribed for the purpose of weightage.

The Andhra Pradesh Private Aided Collegiate and Technical Education Employees (Regulation of Pay) Act, 2006, (Act 26 of 2006), is an Act to extend

grant in aid to the posts held by the teaching and non-teaching employees of the private colleges and institutions imparting technical education in the State computed at the minimum of the pay scale and limiting financial liability of the State while extending automatic advancement scheme and career advancement scheme to such employees and matters connected therewith or incidental thereto. The Act came into force retrospectively from 10.1.1980. Under Section 3, notwithstanding anything contained in any order of the government or any judgment of any Court or Tribunal, grant-in-aid may be sanctioned to a post held by an employee of a private aided college or institution imparting technical education calculated at the minimum of the pay in the time scale allowed to the post and that the financial liability of the government in respect of Automatic Advancement Scheme and Career Advancement Scheme extended to such employee shall be limited to the quantum of grant-in-aid sanctioned to the post.

Section 4 reads thus:-

“Notwithstanding anything contained in any order of the Government or any judgment of any Court or Tribunal, the claims of employees of Private Aided Colleges and Institutions imparting Technical Education for release of Grant-in-aid by counting the increments drawn prior to the date of admission of post of Grant-in-aid shall stand extinguished from the date of commencement of this Act and accordingly,

1). the orders issued by the Government directing to take into account the increments earned by an employee of Private Educational Institutions prior to the date of admission of posts to Grant-in-aid while releasing grant-in-aid shall stand cancelled:

Provided that any amount paid as per the orders now cancelled and towards Automatic Advancement and Career Advancement Schemes shall not be recovered.

2). No suit or other proceedings shall be maintained or continued in any Court against the Government by any employee of Private Aided College and Institution imparting Technical Education claiming for release of Grant-in-aid taking into account the increments earned in the post prior to the date of admission of Grant-in-aid or for payment of additional amount on the extension of the Automatic Advancement Scheme and Career Advancement Scheme to such employee except the quantum of Grant-in-aid sanctioned to the post.

3). No Court shall enforce any decree or order directing release of Grant-in-aid taking into account the increments earned in the post prior to the date of admission of grant-in-aid in favour of any employee of Private Aided Colleges and the Institution imparting Technical Education and for payment of additional amount on the extension of the Automatic Advancement Scheme and Career Advancement Scheme to such employee except the quantum of Grant-in-aid sanction to the post.

Section 4 of Act 26 of 2006 disentitles employees of private aided colleges from claiming that grant-in-aid should be released by counting the increments drawn by them prior to the date of admission of the post to grant-in-aid. In the present case, none of the colleges administered by the T.T.D. receive grant-in-aid from the government and therefore Section 4 of Act 26 of 2006 has no application. The contention of the learned Government Pleader, that since the U.G.C. guidelines did not extend the benefit of weightage of pre 01.04.1976 service to be

reckoned in the case of tutors/demonstrators, the state government could not extend to them the said benefit, has considerable force. Questions as to whether the government orders, issued from time to time, are in accordance with the U.G.C. guidelines or not, whether extending the benefit of weightage increments and counting the pre 01.04.1976 service as assistant lecturers for the purpose of reckoning the 8 years/16 years service required for being given the benefit of senior grade/selection grade scales, is in accordance with the U.G.C. guidelines or not, etc could have been ascertained if the University Grants Commission had been arrayed as a respondent in the writ petition. While the learned Government Pleader would contend that the University Grants Commission guidelines disentitles tutors/demonstrators from claiming the said benefit, Sri G. Ramachandrarao, learned Counsel for the petitioner, would dispute the very existence of such U.G.C. guidelines. While it is true that these facts could have been ascertained if the University Grants Commission had been arrayed as a respondent in the writ petition, it is however not necessary to examine this aspect any further in as much as the erstwhile tutors/demonstrators cannot claim parity with the erstwhile assistant lecturers merely on the ground that all of them were absorbed into the common cadre of lecturers, when, in fact, both prior to such merger of cadres and even subsequent thereto, the erstwhile assistant lecturers have always been treated on a higher footing than the erstwhile tutors/demonstrators.

In order to claim parity in treatment with the erstwhile assistant lecturers the petitioners, who were hitherto tutors/ demonstrators, were required to establish that they were similarly situated and that all of them constituted one single class. G.O.Ms. No. 1376 dated 01.12.1975, which relates to the 1974 revised pay scales, makes a distinction between assistant lecturers on the one hand and tutors/demonstrators on the other. While the pre-revised pay scales of assistant lecturers of Rs.300-600 was revised to Rs.530-1050, the pay scales of tutors/demonstrators was revised from Rs.250-400 to Rs.430-800. Both in the pre-revised scales of pay and in the 1974 revised pay scales, the pay scales of assistant lecturers was higher than that of tutors/demonstrators. In G.O.Ms. No. 1072 dated 26.11.1976, whereunder the 1976 Revised Pay Scales were made applicable to teachers of affiliated degree and post graduate colleges, while tutors/demonstrators, were to be absorbed as lecturers in the revised pay scales on completion of 10 years of service, in so far as lecturers (Junior Scale) i.e.,

assistant lecturers were concerned, the period prescribed was only five years. Under Col. 5(1)(c) for reckoning the total ten years service as demonstrators/tutors or five years as assistant lecturers, one year of service as demonstrator/tutor was required to be treated as being equivalent to half year of service as an assistant lecturer. Even in G.O.Ms. No. 1072 dated 26.11.1976 the distinction between tutors and demonstrators on the one hand and assistant lecturers on the other has been maintained. In G.O.Ms. No. 719 dated 03.07.1978, the eligibility conditions prescribed in G.O.Ms. No. 1072 dated 26.11.1976 was modified and the stipulation of five years service prescribed earlier, for the applicability of the revised pay scales of Rs.700-1600 to assistant lecturers, was reduced to three years, whereas in the case of tutors and demonstrators the prescribed period of eligibility, for being given the benefit of revised pay scales, was reduced from ten years to five years. Even while granting the facility of weightage increments, G.O.Ms. No. 565 dated 29.06.1982 provided that the service rendered, on or after 01.01.1973, as tutors/demonstrators /assistant lecturers/junior lecturers in degree colleges, would be taken into account in the ratio of two years of service as tutors/demonstrators/assistant lecturers/junior lecturers in degree colleges as equivalent to one year of service as lecturer and on this basis the total service as lecturer was to be arrived at for the purpose of grant of weightage increments. The parity in treatment accorded under G.O.Ms. No. 565 dated 29.06.1982 came to an end on its amendment by G.O.Ms. No. 748 dated 30.08.1982 whereunder for the purpose of computation of the total length of service as a lecturer, for the purpose of granting weightage increments, the service put in from 01.01.1973 as an assistant lecturer was taken into account. In case of tutors/demonstrators, who had been absorbed as lecturers, the service put in by them from 01.01.1973 as tutors/demonstrators was to be taken into account in the ratio of two years of service as tutors/demonstrators in degree colleges as equivalent to one year of service as a lecturer. While assistant lecturers were given weightage of their entire service from 01.01.1973 onwards, the benefit extended to tutors/demonstrators, with regards service put in by them from 01.01.1973, was that two years of their service was to be treated as equivalent to one year of service as a lecturer. Thus the distinction between assistant lecturers on the one hand and tutors/demonstrators on the other, which existed right from the inception, continued to remain. Under Clause 9(B) of the Appendix to G.O.Ms. No. 520

dated 15.12.1988 every lecturer, on completion of eight years of service after regular appointment, was entitled to be placed in the senior scale of Rs.3000-5000. Clause 3 of the additional guidelines notified in G.O.Ms. No. 169 dated 07.07.1990 provided that, for the purpose of computing the prescribed period of 8/16 years of service, the service rendered as an assistant lecturer, in any government degree college before 01.04.1976, should also be reckoned for grant of senior grade scale or selection grade scales of pay for lecturers. While it is true that the benefit of taking into account the pre 01.04.1976 service, for computation of the prescribed eight years of service, has been limited only to assistant lecturers, the contention that not extending similar benefits to erstwhile tutors/demonstrators is discriminatory does not merit acceptance. It is only if the assistant lecturers and tutors/ demonstrators were always similarly treated and formed a single class would their subsequent differentiation amount to discrimination violating Articles 14 and 16 of the Constitution of India. Since assistant lecturers have always been treated on a different footing vis-a-vis tutors/demonstrators, were never similarly situated and do not form a single class, the question of discrimination violating the petitioners' fundamental rights under Articles 14 and 16 of the Constitution of India does not arise.

It is not even the case of the petitioners, that tutors/demonstrators working in government colleges have been extended the said benefit. In the absence of any such benefit being extended to tutors/ demonstrators working in government colleges, the petitioners cannot claim that they should be conferred such a benefit, merely because assistant lecturers were given the benefit of weightage of the pre 01.04.1976 service. Since the erstwhile tutors/demonstrators are not similarly situated to that of assistant lecturers and are not entitled to claim parity in treatment, they are not entitled to claim, as of right, that the service rendered by them as tutors/demonstrators, prior to 01.04.1976, should be reckoned for being given the benefits of the career advancement scheme in the 1986 revised pay scales as adopted in G.O.Ms. No. 520 dated 15.12.1988 and G.O.Ms. No. 169 dated 07.07.1990.

Articles 14 and 16 of the Constitution of India do not forbid classification. The principle underlying the guarantee of Article 14 and 16 is not that the same rules of law should be made applicable to all persons irrespective of differences of circumstances. It only means that all persons similarly circumstanced should be treated alike and there should be no discrimination between one person and

another if, as regards the subject-matter of the law, their position is substantially the same. The process of classification empowers the State to determine who should be regarded as a class in relation to a law enacted on a particular subject. The classification to be valid must be rational and not arbitrary. It must not only be based on some qualities or characteristics which are to be found in all the persons grouped together, and not in others who are left out, but those qualities or characteristics must also have a reasonable nexus or relation to the object sought to be achieved. In order to pass the test of a valid classification, the twin conditions to be fulfilled are (1) that the classification must be founded on an intelligible differentia which distinguishes those that are grouped together from others, and (2) the differentia must have a rational nexus or relation to the object sought to be achieved.

Unless the classification is unjust on the face of it, the onus lies upon the party attacking the classification to show by placing the necessary material before the court that the said classification is unreasonable and is violative of Articles 14 and 16 of the Constitution. (**Banarsidas v. State of Uttar Pradesh**^[2], **All India Station Masters' and Assistant Station Masters' Association Vs. General Manager Central Railway**^[3], **General Manager, Southern Railway Vs. Rangachari**^[4], **Govind Dattatray Kelkar Vs. Chief Controller of Imports & Exports**^[5] and **State of J&K Vs. Trilokinath Khose**^[6]).

Classification, however, is fraught with the danger that it may produce artificial inequalities and therefore, the right to classify is hedged in with salient restraints or else, the guarantee of equality will be submerged in class legislation masquerading as laws meant to govern well marked classes characterized by different and distinct attainments. Classification, therefore, must be truly founded on substantial differences which distinguish persons grouped together from those left out of the group and such differential attributes must bear a just and rational relation to the object sought to be achieved.

Judicial scrutiny can therefore extend to the consideration whether the classification rests on a reasonable basis and whether it bears nexus with the object in view. It cannot extend to embarking upon a nice or mathematical evaluation of the basis of classification, for were such an inquiry permissible it would be open to the Courts to substitute their own judgment for that of the

legislature/rule-making authority/executive on the need to classify or the desirability of achieving a particular object. (**Triloki Nath Khosa**⁶). Article 14 does not insist upon classification, which is scientifically perfect or logically complete. A classification would be justified unless it is patently arbitrary. In substance, the differentia required is that it must be real and substantial, bearing some just and reasonable relation to the object of the law. (**State of A.P. Vs. Nallamilli Rami Reddi**^[7], **E.V. Chinnaiah Vs. State of A.P.**^[8]). The validity of the classification has to be judged on the facts and circumstances of each case. (**Trilokinath Khosa**⁶, **Food Corporation of India Vs. Omprakash Sharma**^[9], **E.V. Chinnaiah**⁸).

As noted above, burden is on the party attacking the classification to show, by placing necessary material before the Court, that the classification is unreasonable and is violative of Articles 14 and 16 of the Constitution of India. In the present case, all that the petitioners herein seek is that they be extended the benefits of the career advancement scheme in the 1986 UGC revised pay scales as adopted by the State Government in G.O.Ms.No.520 dated 15.12.1988 and G.O.Ms.No.169 dated 7.7.1990 with all consequential benefits reckoning their service, as tutors/demonstrators, prior to 01.04.1976. Neither G.O.Ms.No.520 dated 5.12.1998 nor G.O.Ms.No.169 dated 07.07.1990 is under challenge on the touchstone of Articles 14 and 16 of the Constitution of India. In the absence of any challenge thereto, this Court is not required to take upon itself the task of examining as to whether the twin tests of a valid classification are satisfied by both these government orders. Suffice to hold that, since the claim of the petitioners is based entirely on the premise that the erstwhile tutors/demonstrators are similarly situated to the erstwhile assistant lecturers, which premise, as held above, is not based on any factual foundation, the relief sought for in the writ petition cannot be granted. It is well settled that this Court would not interfere in matters of policy involving financial expenditure (**Union of India Vs. T.P. Bhombhate**^[10]). Nor would it issue a mandamus to the executive to incur such expenditure, more so in the absence of a specific challenge to the policy decision taken by the State government in its orders in G.O.Ms.No.520 dated 5.12.1988 and G.O.Ms.No.169 dated 7.7.1990.

The claim, based on a similar relief granted by the Govt. of Tamilnadu to its employees, must also be rejected. Neither the Government of Andhra Pradesh nor

the T.T.D, are bound by any orders passed by another State government. The benefits given by the Government of Tamilnadu to its employees cannot, therefore, be made the basis for a similar claim by employees either of the Government of Andhra Pradesh or of the T.T.D.

In **B. Rama Rao**¹, the Supreme Court observed:-

“.....The contention of Shri Kanta Rao, learned counsel for appellant, is that the appellant had put in 8 years of service as a tutor and his previous service should be counted for the purpose of fixation of scale of pay as Assistant Lecturer. It is also devoid of substance. It is not a case that the instructions would give such a right. His reliance on an order passed by the Administrative Tribunal in *C. Anjaneyulu v. Principal, Govt. College, Khamman*¹ is of little assistance. There are no guidelines or instructions or rules (statutory) issued by the Government that the previous service rendered as a tutor would be counted to his service as Assistant Lecturer. What all it postulates is that those tutors who did not get into the post as Assistant Lecturers would remain as tutors, but no further recruitment as tutor be made. For eligibility to get revised scale of pay similar to the Assistant Lecturer, the period of service was suitably reduced. That does not mean that previous service as a tutor was directed to be counted for the service as Assistant Lecturer. The appellant is not, therefore, entitled to the fixation of the scale of pay earlier to December 1, 1978. No doubt the Tribunal had interpreted the rules wrongly and given the benefit to the petitioner therein. That would not be a ground to extend the same principle to the appellant. His contention that he is invidiously discriminated which offends Article 14, is devoid of substance. Any wrong order or a negative benefit given to an employee or non-action by the employer to remedy the same illegality would not be a ground to extend the illegal benefit to the person similarly situated.....”

In the aforesaid judgment, the Supreme Court held that in the absence of any guidelines or statutory rules framed by the government recognizing the previous service rendered as a tutor for the purpose of counting service as an assistant lecturer, no right accrued in favour of the employee in this regard and that a wrong order or negative benefit given to another employee or the inaction of the employer to remedy the illegality could not be a ground to extend the benefits to persons similarly situated. Viewed from any angle, the relief sought for in the writ petition cannot be granted. The writ petition must therefore fail.

The writ petition is accordingly dismissed. However, in the circumstances without costs.

Date: -11-2006

RAMESH RANGANATHAN, J

MRKR/ASP

[\[1\]](#) 1995 Supp(1) SCC 153

[\[2\]](#) AIR 1956 SC 520

[\[3\]](#) AIR 1960 SC 384

[\[4\]](#) AIR 1962 SC 36

[\[5\]](#) (1967)2 SCR 29

[\[6\]](#) AIR 1974 SC 1

[\[7\]](#) (2001)7 SCC 708

[\[8\]](#) (2005)1 SCC 394

[\[9\]](#) (1998)7 SCC 676

[\[10\]](#) AIR 1992 SC 570